

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 0000053702	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/ 07084	International filing date (day/month/year) 03/07/2003	(Earliest) Priority Date (day/month/year) 10/07/2002
Applicant BASF PLANT SCIENCE GMBH		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant, according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP 03/07084

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/52 C12N9/00 C12N15/82 A01H5/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N A01H

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

SEQUENCE SEARCH, BIOSIS, EPO-Internal, WPI Data, PAJ, EMBL

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	SANDAGER LINE ET AL: "Storage lipid synthesis is non-essential in yeast." JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 277, no. 8, 22 February 2002 (2002-02-22), pages 6478-6482, XP002211907 February 22, 2002 ISSN: 0021-9258 the whole document	1-11
A	WO 00 60095 A (BASF PLANT SCIENCE GMBH ;BANAS ANTONI (PL); STAHL ULF (SE); STYMNE) 12 October 2000 (2000-10-12) the whole document --- -/--	1-11

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&amp;\* document member of the same patent family

Date of the actual completion of the international search

15 October 2003

Date of mailing of the international search report

27/10/2003

Name and mailing address of the ISA

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Authorized officer

Herrmann, K

## INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP 95/07084

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>DATABASE EMBL 'Online! 6 October 1995 (1995-10-06) "S. cerevisiae chromosome X reading frame ORF YJR098c" Database accession no. Z49598 XP002211908 cited in the application 100% identity in 2251 nt overlap to SEQ ID NO:1 of present application the whole document</p> <p>---</p>	1-11
A	<p>DATABASE SWALL 'Online! 1 February 1996 (1996-02-01) "Hypthetical 74.1 kDa protein ACR1-YUH1 intergenic region" Database accession no. P47139 XP002211909 100% identity in 655 aa overlap to SEQ ID NO:2 of present application the whole document</p> <p>-----</p>	1-11

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 6 (incomplete)

Claim 6:

The subject-matter of claim 6(b) is directed to a polynucleotide which deviates from the polynucleotide sequence specified in SEQ ID NO:1 due to the degeneration of the genetic code. Reference to the degeneracy of the genetic code only makes sense if the peptide for which the polynucleotide is to encode for is defined by its exact amino acid sequence. However, this is not the case in claim 6(b) (no amino acid sequence given). Thus, a reasonable search could not be performed for the subject-matter of claim 6(d) (Art. 6 PCT).

Claim 6c covers any transgenic expression cassette comprising any nucleic acid sequence which has at least 60% identity with the sequence according to SEQ ID NO:1 and having the desired characteristic of increasing the total oil content in a plant. However, the application provides support (Art. 6 PCT) and disclosure (Art. 5 PCT) for only a limited number of such polynucleotides. Thus, a meaningful search over the whole of the scope claimed is impossible. Consequently, the search for claim 6c has been limited to the polynucleotide according to SEQ ID NO:1.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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Name and mailing address of the ISA

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International Application No

PCT/EP 99/07084

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